**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.6439 of 2001

**29.6.2007**

Between:

Patti Gangaraju, S/o.late Bullayya

… Petitioner

AND

The District Collector (TW), West Godavari, Eluru

And others

… Respondents

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

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ORDER:

The petitioner's father, late Bullayya, had purchased land admeasuring Acs.1.70 in R.S.No.95/1 situated at Ankampalem village of Jeelugumilli Mandal in West Godavari District, from one Nune Veeranna, another non-tribal. It appears that the Special Deputy Collector (Tribal Welfare), Kota Ramachandrapuram, initiated action under Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (the Regulation, for brevity), against the petitioner and others in S.R.No.191 of 1983 and batch. By order dated 25.5.1990, the Special Deputy Collector ordered to drop further action against the petitioner herein and others on the ground that the transactions between non-tribals were effected prior to coming into force of the Regulation I of 1959, as amended by Regulation I of 1970. According to the petitioner, the same has become final. In spite of the same, it is alleged, when the Mandal Revenue Officer, Jeelugumilli Mandal (MRO), assigned lands in favour of fourth respondent, the petitioner approached the MRO for furnishing the copy, in vain. The petitioner alleges that the fourth respondent has started obstruction his agricultural activities and, therefore, the present writ petition is filed.

Learned Counsel for the petitioner submits that when the competent authority, namely, the Special Deputy Collector enquired into the matter and passed orders in favour of the petitioner, the MRO could not have assigned the lands in favour of fourth respondent without evicting the petitioner. According to the learned Counsel, the MRO has no jurisdiction to assign the land for which patta is granted to the petitioner.

Though the writ petition was admitted on 11.4.2001, respondents 1 to 3 have not filed any counter affidavit. Learned Government Pleader for Social Welfare, based on instructions, submits that

pursuant to the assignment order dated 03.1.1998, possession was delivered to the fourth respondent. He also points out that against the order of assignment passed by the MRO, petitioner has effective remedy of appeal before the Special Deputy Collector.

The fourth respondent has filed a counter affidavit. It is stated that the land in R.S.No.95/1 is ancestral property of the husband of fourth respondent and that when the Special Deputy Collector passed orders in S.R.No.191 of 1983, the petitioner or the husband of fourth respondent were not made parties and the order dated 25.5.1990 was passed by the Special Deputy Collector without notice to fourth respondent. It is also averred that the fourth respondent is taking necessary steps to file appeal against the order dated 25.5.1990 in S.R.No.191 of 1983 on the file of Special Deputy Collector (TW), Kota Ramachandrapuram.

After considering the arguments of the learned Counsel for the petitioner, learned Government Pleader for Social Welfare and learned Counsel for the fourth respondent, following admitted facts emerge. There is no denial that the land was purchased by the petitioner's father, a non-tribal; from another non-tribal on 16.2.1966. The action was initiated by the Special Deputy Collector under the provisions of the Regulation but the same was dropped on 25.5.1990. There is no denial that the fourth respondent or any other person is made as party in the said proceedings. There is also no denial that the MRO passed orders dated 03.1.1998 assigning the land in favour of fourth respondent and allegedly delivered possession to her but no notice was issued to the petitioner though there was already assignment order in his favour passed by the Special Deputy Collector. In this background, this Court is of considered opinion to give liberty to the petitioner to prefer appeal against the orders of assignment made by the MRO in favour of fourth respondent. Such appeal may be filed before the Special Deputy Collector, after obtaining copies of orders of assignment. As and when the petitioner approaches the MRO, a copy of assignment order shall be furnished to him. Insofar as the order of the Special Deputy Collector dated 25.5.1990 in S.R.No.191 of 1983 is concerned, it is always open to the fourth respondent to prefer appeal before the Agent to the Government. Till the parties avail these remedies, there shall be *status quo* as on today.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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June 29, 2007. (**V.V.S.RAO,J**)

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